

Summons in a Civil Action (Rev 11/97)

**United States District Court**  
**SOUTHERN DISTRICT OF CALIFORNIA**

THE UNITED STATE OF AMERICA

vs

0.70 ACRES OF LAND, MORE OR  
 LESS, SITUATE IN SAN DIEGO  
 COUNTY, STATE OF CALIFORNIA;  
 and ROSE HALPER; AND ALL  
 OTHER INTERESTED PARTIES

## SUMMONS IN A CIVIL ACTION

Case No.

'08 CV 283 LAB CAB

TO: (Name and Address of Defendant)

Rose Halper  
 6533 Cleomoore Avenue  
 West Hills, CA 91307

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

Tom Stahl, Assistant U.S. Attorney; Chief, Civil Division  
 Office of the U.S. Attorney  
 Federal Building  
 880 Front Street, Room 6293, San Diego, CA 92101

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

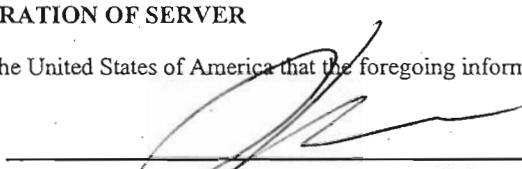
FEB 13 2008



DATE

By

, Deputy Clerk

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me	DATE 2-23-2008 @ 11:55AM	
NAME OF SERVER JACK KESSLER	TITLE PROCESS SERVER	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/>	Served personally upon the defendant. Place where served: _____	
<input checked="" type="checkbox"/>	Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein: LEFT WITH LARRY SUITSKY FOR ROSE HALPER 6533 CLEOMOORE AVE WEST HILLS, CA 91307 Name of person with whom the summons and complaint were left: _____	
<input type="checkbox"/>	Return unexecuted: _____	
<input type="checkbox"/>	Other (specify): _____	
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.		
Executed on: 2-25-2008	 Signature of Server	
Date	<b>ACCUTECH</b> LEGAL SUPPORT SRVS. P.O. BOX 12037 SAN DIEGO, CA 92112	
<u>NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE</u>		
IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. <u>COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.</u>		
YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.		
JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.		
1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure		

ATTACHMENT TO PROOF OF SERVICE

DECLARATION OF DUE DILIGENCE  
FOR SUBSTITUTED SERVICE

At the time of service I was at least eighteen years of age and not a party to this action. That after due diligent effort I have been unable to effect personal service on the party named in item 3a, and after effecting diligence as listed below, at address where served, substitute served at same address:

Dates and times attempted:

Reason for non-service:

I declare under penalty of perjury and the laws of the state of California that the foregoing is true and correct.

Date: \_\_\_\_\_

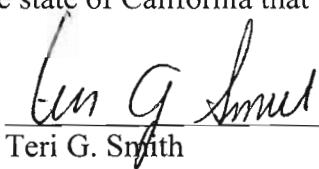
DECLARATION OF MAILING  
AFTER SUBSTITUTED SERVICE

At the time of service I was at least eighteen years of age and not a party to this action. I declare that after substituted service was made, I mailed copies to the defendant named on the summons by first class mail, postage prepaid, to the address where served:

On date: 2-25-2008 from: San Diego, CA

I declare under penalty of perjury and the laws of the state of California that the foregoing is true and correct.

Date: 2-27-2008

  
Teri G. Smith

**ATTACHMENT TO PROOF OF SERVICE**

LIST OF DOCUMENTS SERVED:

- 1) Summons in a Civil Action (issued by District Court on February 13, 2008)
- 2) Complaint in Condemnation with Declaration of Taking 40 USC 3114 (filed with District Court on February 13, 2008)
- 3) Civil Case Cover Sheet (filed with District Court on February 13, 2008)
- 4) Declaration of Taking (filed with District Court on February 13, 2008)